

ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE

DATE: March 4, 2022
START: 12:45 p.m.
END: 1:30 p.m.

DOCKET NO: 20-cv-02249 (RLM)

CASE: Berkley Insurance Company v. Prime Insurance Company

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|---|---|
| <input type="checkbox"/> INITIAL CONFERENCE | <input type="checkbox"/> OTHER/ORDER TO SHOW CAUSE |
| <input type="checkbox"/> DISCOVERY CONFERENCE | <input type="checkbox"/> FINAL/PRETRIAL CONFERENCE |
| <input type="checkbox"/> SETTLEMENT CONFERENCE | <input checked="" type="checkbox"/> TELEPHONE CONFERENCE |
| <input checked="" type="checkbox"/> MOTION HEARING | <input type="checkbox"/> INFANT COMPROMISE HEARING |

PLAINTIFF

ATTORNEY

Berkley Insurance Company	David Farkouh
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DEFENDANT

ATTORNEY

Prime Insurance Company	David Kupfer
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THIRD PARTY DEFENDANTS

ATTORNEY

Extreme Residential Corp.	Lee Epstein
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Atlantic Crane, LLC	Steven Lewbel
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Rockaway Beach Blvd. Construction Co., LLC; Benjamin Beechwood Tides 2, LLC; Benjamin Beechwood Ocean Way, LLC	Joshua Zimring
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- ☐ **FACT DISCOVERY TO BE COMPLETED BY** _____
- ☐ **SETTLEMENT CONFERENCE SCHEDULED FOR** _____
- ☐ **JOINT PRE-TRIAL ORDER TO BE FILED VIA ECF BY** _____
- ☐ **PL. TO SERVE DEF. BY:** _____ **DEF. TO SERVE PL. BY:** _____

RULINGS: PLEASE TYPE THE FOLLOWING ON DOCKET SHEET

Argument heard and rulings made on the record granting [94] Atlantic's motion to strike. While the information sought by Prime Insurance is relevant and discoverable, the deposition notice seeking testimony from a specific Atlantic Crane employee, who is not a party to this action, is procedurally improper. The parties are directed to confer on whether Prime Insurance will subpoena the Atlantic Crane employee or if the information sought can be obtained by a further 30(b)(6) deposition. The parties should also inquire whether the crane operator's deposition has been scheduled in the underlying state court action, and, if so, coordinate with counsel in that action so that the deposition may be used in both cases.

The Court defers ruling on Extreme Residential Corp.'s [92] motion for leave to file an untimely Answer with counterclaims. Although the Court will permit Extreme Residential to file an Answer, the Court takes under advisement the proposed addition of new counterclaims.